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January 8, 2024

MEMO ENDORSED

VIA ECF

The Honorable Katherine Polk Failla, U.S.D.J.
United States District Court, Southern District of New York
40 Foley Square
New York, NY 10007

Re: *Giroto v. Zcrave, Inc. et al.*; Case No.: 1:23-cv-08738-KPF

Dear Judge Failla:

We have just been engaged to represent co-defendant Thor 25 Mercer Retail LLC in this case and filed our notice of appearance (ECF 10). It is our understanding that co-defendant Zcrave, Inc. has not yet appeared in this case, in which Plaintiff alleges barriers to access under the Americans with Disabilities Act and its state and city counterparts. Thor 25 is the landlord of the property at issue, and Zcrave is the tenant.

We write pursuant to Section 2(D) of Your Honor's Individual Rules of Practice in Civil Cases and with Plaintiff's consent to respectfully request an extension of thirty days for Thor 25 to answer, move, or otherwise respond to the complaint and for an attendant adjournment of the initial pretrial conference presently scheduled for January 11, 2024. This is Thor 25's first request for an extension of time to respond to the complaint and first request for an adjournment of the initial pretrial conference. We make these requests in order to have time to investigate the allegations in the complaint, prepare an adequate response, confer with Plaintiff's counsel in preparation for the initial pretrial conference, and confer with Zcrave. The requested extension and adjournment would not affect any other scheduled dates. We appreciate the Court's attention to this matter.

Respectfully submitted,

/s/ David J. Grech

Application GRANTED. The date by which Defendant Thor 25 shall answer or otherwise respond to the complaint is hereby ADJOURNED to **February 12, 2024**. Accordingly, the Initial Pre-Trial Conference in this matter is hereby ADJOURNED to **February 22, 2024**, at **12:30 p.m.**

The Clerk of the Court is directed to terminate the pending motion at docket number 11.

Dated: January 9, 2024
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE